

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
FEDERICO DEGETAU FEDERAL BLDG - RM 150
CARLOS CHARDON AVE.
HATO REY, PUERTO RICO 00918-1767

Date: August 22, 2005

Robert J. Smith, Jr.
Clerk, United States District Court
District of Massachusetts
One Courthouse Way
Boston MA 02210-3002

Re: United States of America
vs.
Juan Pagán

Your Case No: 05-CR30019 MAP

Our Magistrate's Case No. 05-0341-01 M


Dear Sir:

I am enclosing Magistrate's record of proceedings and a certified copy of the docket entries in above case pertaining to your district, filed in this office on August 19, 2005.

Please acknowledge receipt in the enclosed copy of this letter.

Very truly yours,

FRANCES RIOS DE MORAN
Clerk of the Court


By: Sarah V. Ramón
Deputy Clerk

Enclosure

CLOSED

**United States District Court
District of Puerto Rico (San Juan)
CRIMINAL DOCKET FOR CASE #: 3:05-mj-00341-JA-ALL
SEALED
Internal Use Only**

Case title: USA v. Pagan

Date Filed: 08/19/2005

Assigned to: Chief Mag. Judge
Justo Arenas

Defendant

Juan Pagan (1)

represented by **Victor J. Gonzalez-Bothwell**
Federal Public Defender's Office

Patio Gallery Building
241 Franklin D. Roosevelt Ave.
Hato Rey, PR 00918-2441
787-281-4922
Fax: 787-281-4899
Email: victor_gonzalez@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Federal Public
Defender*

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

None

Disposition**Highest Offense Level
(Terminated)**

None

Complaints

Rule 5 Documents received from
the District of Massachusetts.
Deft charged w/possession with
intent to distribute cocaine base

Disposition**Plaintiff**

USA

represented by **Dina Avila-Jimenez**
United States Attorney's Office
350 Carlos Chardon St.
Suite 1201
San Juan, PR 00918
787-766-5656
Fax: 787-771-4050
Email: dina.avila@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
08/19/2005	● <u>1</u>	SEALED Rule 5 Documents Received as to Juan Pagan (Copy of Arrest Warrant) (sr,) (Entered: 08/22/2005)
08/19/2005	●	Arrest of Juan Pagan (sr,) (Entered: 08/22/2005)
08/19/2005	● <u>2</u>	Minute Entry for proceedings held before Justo Arenas,

		Chief U.S. Magistrate Judge :Initial Appearance in Rule 5(c)(3) Proceedings as to Juan Pagan held on 8/19/2005 Appearance entered by Victor J. Gonzalez-Bothwell for Juan Pagan on behalf of defendant. Deft waived the Removal Hearing. Deft was assisted by counsel. (Court Reporter None.) (sr,) (Entered: 08/22/2005)
08/19/2005	● <u>3</u>	ORDER OF TEMPORARY DETENTION as to Juan Pagan . Signed by Justo Arenas, Chief U.S. Magistrate Judge on 8/19/05. (sr,) (Entered: 08/22/2005)
08/19/2005	● <u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Juan Pagan. Victor J. Gonzalez-Bothwell for Juan Pagan appointed . Signed by Clerk on 8/19/05. (sr,) (Entered: 08/22/2005)
08/19/2005	● <u>5</u>	WAIVER of Rule 5 Hearings by Juan Pagan (sr,) (Entered: 08/22/2005)
08/19/2005	● <u>6</u>	Minute Entry for proceedings held before Justo Arenas, Chief U.S. Magistrate Judge :Removal Hearing as to Juan Pagan held on 8/19/2005. Deft waived the Removal Hearing. Commitment to Another District signed. Deft to be transferred under the custody of the US Marshals in a timely fashion. (Court Reporter FTR.) (sr,) (Entered: 08/22/2005)
08/19/2005	● <u>7</u>	COMMITMENT TO ANOTHER DISTRICT as to Juan Pagan. Defendant committed to District of Massachusetts . Signed by Justo Arenas, Chief U.S. Magistrate Judge on 8/19/05. (sr,) (Entered: 08/22/2005)
08/22/2005		***Case Terminated as to Juan Pagan*** (sr,) (Entered: 08/22/2005)
08/22/2005	● <u>8</u>	ORDER OF DETENTION PENDING TRIAL as to Juan Pagan . Signed by Justo Arenas, Chief U.S. Magistrate Judge on 8/19/05. (sr,) (Entered: 08/22/2005)

UNITED STATES DISTRICT COURT

District of _____

UNITED STATES OF AMERICA

V.

JUAN PAGAN

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 05-0341 M

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a ☐ federal offense ☐ state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed - that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the ☐ date of conviction ☐ release of the defendant from imprisonment for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ under 18 U.S.C. § 924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☐ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.
- Deft to be transferred to the prosecuting district of Massachusetts.

Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by ☐ clear and convincing evidence ☐ a preponderance of the evidence that

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

AUGUST 19, 2005

Date

S/JUSTO ARENAS

Signature of Judge

JUSTO ARENAS, CHIEF U.S. MAGISTRATE JUDGE

Name and Title of Judge

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

(8) 22

AC-94 (Rev. 8/85) Commitment to Another District

United States District Court

DISTRICT OF

UNITED STATES OF AMERICA

**COMMITMENT TO ANOTHER
DISTRICT**

 v.
Juan Pagan
CASE NUMBER: *05-371M*
 The defendant is charged with a violation of 21 U.S.C. 841 alleged to have been com-
 mitted in the _____ District of Massachusetts.

Brief Description of Charge(s):

Possession with intent to distribute cocaine base

The defendant has been unable to obtain release under the Bail Reform Act of 1984, 18 U.S.C. §§3141-3143.

TO: THE UNITED STATES MARSHAL

 You are hereby commanded to take custody of the above named defendant and to transport that de-
 fendant with a certified copy of this commitment forthwith to the district of offense as specified above and
 there deliver the defendant to the United States Marshal for that District or to some other officer authorized
 to receive the defendant, all proceedings required by Fed. R. Crim. P. 40 having been completed.

Date

August 19, 2005

S/ JUSTO ARENAS

 Judicial Officer
 JUSTO ARENAS, CHIEF U. S. MAGISTRATE JUDGE

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT		DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL		

Five Minutes

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SEALED MINUTES OF PROCEEDINGS

DATE: August 19, 2005

HONORABLE JUSTO ARENAS, CHIEF U. S. MAGISTRATE JUDGE

COURTROOM DEPUTY: Sarah V. Ramón

Case No. 05-0341-01 M

COURT REPORTER: FTR

INTERPRETER: Not Needed

PTS: Maricarmen Ríos

=====

United States of America

ATTORNEYS : Dina Avila

Plaintiff

v.

Juan Pagán
Defendant(s)

Víctor González, FPD

=====

CASE IS CALLED FOR A REMOVAL HEARING.

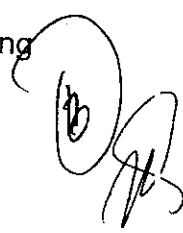
Counsel for defendant and the defendant himself, inform that there is no issue as to his identity and that the defendant is waiving the identity hearing.

After hearing the parties, the Magistrate accepts the waiver of the identity hearing and the waiver form is filed and accepted. The defendant is advised of his rights and is to remain under custody, and the matter of bail will be solved in that district.

The Commitment to Another District is signed. The defendant is ordered to be transferred to the District of Massachusetts , under the custody of the Marshals in a timely fashion.

s/Sarah V. Ramón
Sarah V. Ramón, Deputy Clerk

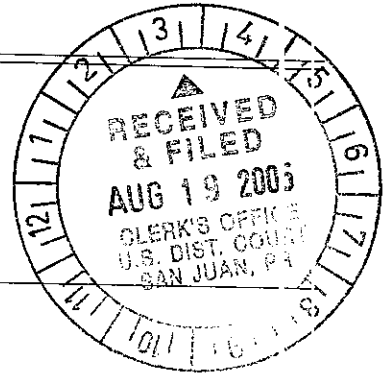
It is noted that defendant informed at the initial hearing that he would be waiving the identity hearing.



AO 468 (1/86) Waiver of Preliminary Examination or Hearing ☉

United States District Court

DISTRICT OF _____



UNITED STATES OF AMERICA

v.

WAIVER OF PRELIMINARY EXAMINATION OR HEARING (Rule 5 or 32.1, Fed. R. Crim. P.)

Juan Pagan

Case Number:

05-341 M

I, *Juan Pagan*, charged in a (complaint) (petition)
pending in this District with _____

in violation of Title *18*, U.S.C., *841 + 846*,

and having appeared before this Court and been advised of my rights as required by Rule 5 or Rule 32.1, Fed. R. Crim. P., including my right to have a preliminary (examination) (hearing), do hereby waive (give up) my right to a preliminary (examination) (hearing).

X Juan Pagan
Defendant

8/19/05
Date

[Signature]
Counsel for Defendant

[Handwritten initials]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

United States of America

Plaintiff

v.

Juan Pagán

Defendant(s)

CASE NO. 05-0341 M

ORDER

Because the above named defendant has testified under oath or has otherwise satisfied this Court that

(1) is financially unable to employ counsel,

(2) does not wish to waive counsel,

and because the interest of justice so require, the Federal Public Defender is hereby appointed to represent the defendant in this case until the same is terminated or a substitute attorney is appointed.

BY ORDER OF THE COURT, NUNC PRO TUNC _____

At San Juan, Puerto Rico, on August 19, 2005

FRANCES RIOS DE MORAN
Clerk of the Court

By: s/Sarah V. Ramón
Sarah V. Ramón, Deputy Clerk

s/cs: AUSA
USM
PTS
FPD



AO 471 (8/85) Order of Temporary Detention

United States District Court

DISTRICT OF _____

UNITED STATES OF AMERICA

v.

ORDER OF TEMPORARY DETENTION TO
PERMIT REVOCATION OF CONDITIONAL
RELEASE, DEPORTATION OR EXCLUSION

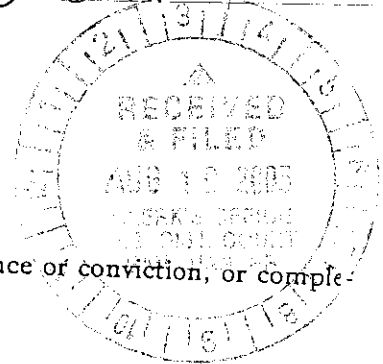
Juan Pagan
Defendant

Case Number:

05-341M

I find that the defendant

- ☐ is, and was at the time the alleged offense was committed:
- ☐ on release pending trial for a felony under federal, state, or local law.
 - ☐ on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for an offense under federal, state, or local law.
 - ☐ on probation or parole for an offense under federal, state, or local law; or
- ☐ is not a citizen of the United States or lawfully admitted for permanent residence as defined at (8 U.S.C. §1101(a)(20)).



and I further find that the defendant may

- ☒ flee, or ☒ pose a danger to another person or the community.

I accordingly ORDER the detention of the defendant without bail to and including August 30, 2005 which is not more than ten days from the date of this Order, excluding Saturdays, Sundays and holidays. 9:00 AM

I further direct the attorney for the Government to notify the appropriate court, probation or parole official, or state or local law enforcement official, or the appropriate official of the Immigration and Naturalization Service so that the custody of the defendant can be transferred and a detainer placed in connection with this case.

If custody is not transferred by the above date, I direct the production of the defendant before me on that date so that further proceedings may be considered in accordance with the provisions of 18 U.S.C. § 3142.

Date:

August 19, 2005

S/ JUSTO ARENAS

Judicial Officer

JUSTO ARENAS, CHIEF U. S. MAGISTRATE JUDGE

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SEALED MINUTES OF PROCEEDINGS

DATE: August 19, 2005

BEFORE HONORABLE JUSTO ARENAS, CHIEF U. S. MAGISTRATE JUDGE

United States of America

Plaintiff

v.

Juan Pagán

Defendant(s)

CASE NO: 05-0341 MCOURTROOM DEPUTY: Sarah V. Ramón

COURT INTERPRETER:

Attorneys:For Plaintiff: Dina AvilaPTS: Maricarmen RíosAttorneys for defendants:For Defendant(s): Víctor González, FPDArrest Date: August 19, 2005

X Initial appearance held. Appeared today : _____

X Defendant(s) was/were interviewed by Pretrial Services Officer.

X Defendant(s) was/were advised of the charges, rights, and given a copy of

X Complaint _____ Indictment _____ Information _____ Other X

_____ Detention hearing is set for _____

_____ Preliminary hearing set for _____

_____ Bail hearing is set for _____

_____ Arraignment set for _____

X Defendant(s) is/are committed.

_____ Foster hearing set for _____

X Removal hearing set for August 19, 2005 at 3:00 p.m

_____ Arraignment hearing set for _____ before Magistrate Judge Gustavo A. Gelpí.

_____ Arraignment hearing set before _____ Justo Arenas _____ Aida M. Delgado-Colon

X Government's request is Detention without bail

X Defendant(s) will be represented by X Federal Public Defender _____ Retained counsel

_____ Defendant(s) will be represented by Court Appointed Counsel.

_____ Defendant is left at his/ her/ their own recognizance _____

_____ Bond set _____

_____ Bond to be posted _____

s/cs: AUSA, PTS, USM
Deft was assisted by Víctor González, FPD

s/ Sarah V. Ramón
Sarah V. Ramón, Deputy Clerk



AO 442 (Rev. 5/93) Warrant for Arrest

United States District Court

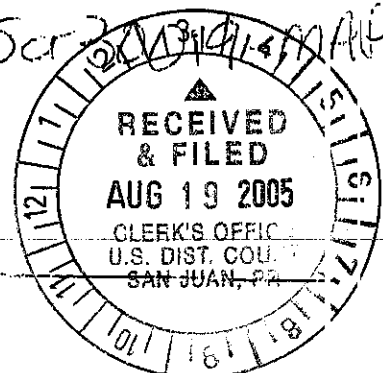
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.
JUAN PAGAN05-341 M
WARRANT FOR ARREST

SEALED

CASE NUMBER: 05cr30019-4-MAP

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

Juan Pagan
Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition
charging him or her with (brief description of offense)
Possession with intent to distribute cocaine basein violation of
Title

21

United States Code, Section(s) 841

Kenneth P. Neiman

Name of Issuing Officer

Signature of Issuing Officer

U.S. Magistrate Judge

Title of Issuing Officer

Date and Location

August 19, 2005 Springfield, Mass.

Bail fixed at \$

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

Car #2, Plaza Hot's Parking Lot, Manati, PR

DATE RECEIVED

8/15/2005

NAME AND TITLE OF ARRESTING OFFICER

Antonio Torres CIDUSM

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

8/15/2005

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